Decision for dispute CAC-UDRP-107786

Case number	CAC-UDRP-107786
Time of filing	2025-07-25 13:53:16
Domain names	melbetofficial.net, melbet-new.com, melbet-now.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Batnesto Ltd.

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondents

Name	satelliteanalytic mb
Name	Fabio Costa

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant relies on registrations of the word mark MELBET in a number of jurisdictions including:

- Uganda mark no. 2020/067008 filed on 8 January 2020 and granted on 22 July 2020 in Class 41;

- EU mark no. 019060714 filed on 29 July 2024 and granted on 9 November 2024 in Classes 9, 16, 21, 25, 28 and 30; and

- International mark no. 1833913 filed and registered on 4 December 2024 in Classes 9, 16, 21, 25, 28 and 30.

The Complainant also relies on unregistered rights by virtue of use claimed from 2012.

FACTUAL BACKGROUND

The Complainant is the registrant of the domain name <melbet.com> which is used under licence from the Complainant to host a successful online gaming and casino platform under the mark MELBET, which has over 400,000 daily users.

The Respondent(s) registered the disputed domain name <melbet-now.com> on 12 December 2020, <melbetofficial.net> on 30 July 2021 and <melbet-new.com> on 7 October 2024. The first two domain names redirect to a website at the third domain name, which prominently displays the mark MELBET in a similar colour scheme to that used by the Complainant and describes itself as "MELBET OFFICIAL WEBSITE".

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Panel is satisfied that the Complainant has registered rights in the mark MELBET and also unregistered rights by virtue of its use. Although the Complainant does not itself carry on the MELBET business, the Panel considers that the Complainant at least shares in the goodwill generated by the business under the mark and domain name owned by the Complainant.

While the above is sufficient for the purposes of the first requirement of the Policy, it is important also to consider when these rights were established, since this may affect whether the second and third requirements of the Policy are satisfied. In particular, the second and third requirements are rarely satisfied where the Complainant's rights post-date the registration of the disputed domain names.

As regards the Complainant's registered rights, the Panel notes that the EU and International registrations on which the Complainant relies were filed and granted in 2024, a considerable time after the first two domain names. Various other registrations on which the Complainant relies were also filed and granted subsequent to the registration of these domain names. However, the Ugandan registration was filed and granted prior to the registration of all three disputed domain names.

As regards unregistered rights, the Complaint provides very little evidence substantiating its assertion that the mark has been used for the online casino business since 2012. An annexed review downloaded in December 2024 states that the business was founded in 2012, but the source of this information is not identified. A screenshot of the page at www.melbet.com recorded by the Internet archive in December 2012 does not confirm the existence of an active business at that date.

A claim that the MELBET businesses received nominations in four categories at the 2020 SBC Awards is not supported by the cited Annex. However, the Panel was able to confirm the accuracy of this claim by its own research, which located listings of the businesses shortlisted for the 2020 SBC Awards at https://sbcevents.com/sbc-awards-2020/shortlists/. On this basis the Panel is satisfied that the MELBET business had a significant reputation and goodwill by December 2020.

The second element of the first requirement, that the disputed domain names are confusingly similar to the Complainant's mark, is straightforward. Each of the disputed domain names consists of the Complainant's mark followed by a common English word and a generic top level domain name suffix. The Panel considers that each of these domain names is confusingly similar to the Complainant's mark.

The Complainant has, to the satisfaction of the Panel, shown each of the disputed domain names is identical or confusingly similar to a trademark or service mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

As explained above, the Panel finds that the MELBET business had a significant reputation and goodwill by December 2020 when the first of the disputed domain names was registered. On the balance of probabilities, taking into account all of the available evidence, and drawing such inferences as are appropriate from the default of the Respondent(s) in accordance with paragraph 14(b) of the UDRP Rules, the Panel concludes that they are likely to have known of the MELBET business when they registered each of the disputed domain names.

In these circumstances, the Panel considers that any use of the disputed domain names by the Respondent(s) has not been a bona fide offering of goods or services such as to create any right or legitimate interest in the domain names.

It also seems clear that the Respondent(s) is/are not commonly known by the disputed domain names and has/have not used them for any legitimate non-commercial or fair use or with the Complainant's consent, and that there is no other basis on which the Respondent(s) might have rights or legitimate interests in the disputed domain names or any corresponding names.

In all the circumstances, the Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

BAD FAITH

As explained above, the Panel finds on the balance of probabilities that the Respondent(s) is/are likely to have known of the MELBET business when they registered each of the disputed domain names. In all the circumstances, the Panel further infers that the Respondent(s) registered the disputed domain names with the intention of attracting Internet users to their website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of that website and any services provided through it.

In accordance with paragraph 4(b)(iv) of the Policy, this constitutes evidence of registration and use in bad faith. This presumption is not displaced by any contrary evidence.

In the circumstances, the Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

PROCEDURAL FACTORS

The disputed domain names <melbetofficial.net> on 30 July 2021 and <melbet-new.com> are both registered in the name of satellite analytic mb of Limassol, Cyprus, whereas <melbet-now.com> is registered under the name Fabio Costa. However, all three disputed domain names locate the same website at www.melbet-new.com, which suggests that they are controlled by the same entity. Furthermore, similar issues are raised in relation to all three disputed domain names.

The Complainant has requested consolidation if required and this has not been opposed by the Respondent(s). In the circumstances, the Panel grants the request for consolidation.

The Panel is satisfied that all procedural requirements under the Policy were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Each of the disputed domain names consists of a mark in which the Complainant has registered and unregistered rights followed by a common English word and the generic top level domain name suffix. The Panel finds that the Complainant had a significant reputation and goodwill when each of the disputed domain names was registered and infers that the Respondent(s) are likely to have known this. Accordingly, any use of the disputed domain names by the Respondent(s) did not confer any rights or legitimate interests. The Panel further finds that the disputed domain names were registered with the intention of attracting Internet users to their website for commercial gain by creating a likelihood of confusion with the Complainant's mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **melbetofficial.net**: Transferred
2. **melbet-new.com**: Transferred
3. **melbet-now.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2025-09-15

Publish the Decision